

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CANDISS CHAMBERS,

Case No. 22-10780

Plaintiff,
v.

F. Kay Behm
United States District Judge

ALYSA KOWALSKY, *et al.*,

Elizabeth A. Stafford
United States Magistrate Judge

Defendants.

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**OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE’S JUNE 5, 2023
REPORT AND RECOMMENDATION (ECF No. 42)**

This case is before the court on Magistrate Judge Elizabeth A. Stafford’s June 5, 2023, Report and Recommendation. (ECF No. 42). Judge Stafford recommends a default be entered against Defendant Maven Properties, LLC. *Id.* The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with Judge Stafford’s recommended disposition. It appears that, following the death of her previous attorney, Defendant Kowalsky has been given numerous

warnings that failure to obtain counsel for Defendant Maven Properties would result in an entry of default. Despite these warnings, Defendant Maven Properties remains unrepresented.

The court also notes that Defendant Kowalsky entered a notice of suggestion of bankruptcy on July 15, 2023, informing the court that she has “filed a Voluntary Petition for Chapter 13 Bankruptcy in the Eastern District of Michigan Bankruptcy Court.” (ECF No. 45, PageID.487). As stated in her notice, the filing of a bankruptcy petition in this court operates as an automatic stay of the proceedings. 11 U.S.C. § 362(a). However, this stay applies only to the party directly involved in bankruptcy, which does not include Defendant Maven Properties. *See Lynch v. Johns-Manville Sales Corp.*, 710 F.2d 1194, 1196 (6th Cir. 1983); *In re Johnson*, 548 B.R. 770, 787 (Bankr. S.D. Ohio 2016) (“It is axiomatic that § 362(a)(1) does not automatically give rise to a general stay of creditors’ rights to pursue nondebtor codefendant”).

Likewise, for the reasons stated above, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 42) and enters a **DEFAULT** against Defendant Maven Properties, LLC.

SO ORDERED.

Date: October 4, 2023

s/ F. Kay Behm

F. Kay Behm

United States District Judge